

HB

164



Alaska State Legislature

Please enter into the record my testimony to the H. HESS
 committee name
 committee on HB 164, dated April 3, 2001
 bill/subject

5 PAGES

Including Cover Sheet

Signed: Shazik Lee Shields
 Testifier
Grandparents Rights Organization Committee
 Representing (Optional)
He 02 Box 7347 Palmer, AK 99645
 Address
(907) 745-3106
 Phone No.

THE
FOLLOWING
DOCUMENT(S)
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COPIES

April 5, 2001

Dear Sir or Madam:

My name is Kris S. Johnston, and I am a parent with a child with a disability and IEP (Individualize Education Plan), living in Cordova, Alaska. I would like to address your Bill #SB133 Version R, concerning the Exit Exam.

I would like to give my support for the Green portion of Bill 133. I also believe the additional language in the revision of this bill for individuals with an IEP to show "mastery" of the performance standards that will be decided by the IEP team and a board will set unreasonable expectations on these students.

My son, Kristofer, has worked really hard to get as far as he has that other children attain with just coasting through school. If he needs to show "mastery" of the performance standard that other children also need to do then he is not given any consideration for the distance that he has come with so much work. I believe he deserves that diploma, even if it was not with an endorsement of meeting the standards. He would then get credit for all that he worked for and as far as he had gone.

This is one of the reasons that I support the Green portion of the SB133 bill, and would like to understand the reason that your committee feels this would water down the diploma. I do not feel that an endorsement process would do this. I believe all children that work really hard to learn deserves a diploma. Just as an individual that work really hard deserves a paycheck. We do not need to shortchange our most vulnerable.

Thank you,

Kris Johnston

HB 164

Dixie Armstrong
PO Box 870186
Wasilla, Ak 99687-0186
ana@mtaonline.net
907-357-3790

HES Committee

March 28, 2001

I support House Bill NO. 164. Our grandson is seven years old. He is an important part of our life. Family is important. When the court becomes involved in the life of a child(children), the Court, State departments, and their employees should have the responsibility of doing everything possible to insure that the child(without good cause)has the opportunity to enjoy the parents and grandparents. Divorce or any involvement with DFYS can tear a family apart. The child suffers the greatest loss. During Court interruptions (with divorce or DFYS), the social growth and development suffers delay or stops. Grandparents can help bridge these gaps and build good foundations.

Sincerely,

Dixie Armstrong
Dixie Armstrong

Grandparent Rights member

Faxed 3/29/01
3:50 PM
JP

HB 164



Alaska State Legislature

Please enter into the record my testimony to the House Health Educ/Soc/Ser
committee name
committee on HB 164, dated 3-29-01
bill/subject

HB or SB	Bill number	and check one:	<input checked="" type="checkbox"/> Support	OR enter a general Subject (LIO staff may modify):
HB	164	<input type="checkbox"/> Oppose		
		<input type="checkbox"/> Amend		

Message: Your PRINTED message cannot exceed 50 words or contain any vulgar language.

Grandparents	are	assuming	more	responsibility	5
and	custody	of	grandchildren.	Please	10
allow	their	role	in	childrens'	15
lives	to	not	be	pushed	20
aside	when	DFYS	enters	the	25
picture	HB 164	needs	to	be	30
passed	to	protect	a	child's	35
right	to	include	grandparents	in	40
the	event	their	lives	fall	45
into	the	system.	Thank	you.	50

Signed: Mari Schmelt
Testifier

Representing (Optional)
2040 Wasilla Fishhook Road, Wasilla AK 99654
Address
376-0188 / 357-3618
Phone No.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSHB 164 (HES)
 (H) Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
 Title: An act prescribing the rights of grandparents BRU: Health & Social Services
 related to CINA hearings Component: _____
 Sponsor: Rep. Dyson Component Number: _____
 Requester: House HSS _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Randall C. Lorenz

Phone 465-3759

REPRESENTATIVE FRED DYSON
 Chairman

Date 4/3/01

Subject: House Bill #133

Date: Wed, 04 Apr 2001 09:37:56 -0800

From: Kathie Elmore <kelmore@gci.net>

Organization: THE ELMORE CLAN

To: Representative_Fred_Dyson@legis.state.ak.us

Dear Representative Dyson;

I am writing you to encourage you to vote in favor of house bill #133. Our children with Special needs need to know that their hard work and efforts count for something other than a Certificate of Attendance. Please make sure our kids with IEP's and 504's in our Special Education School System know that we value their hard work and efforts count. please vote in favor of this bill.

Thank you
Kathie Elmore
1313 Gilmore Trail
Fairbanks, AK 99712
907-457-1035

THE ELMORE CLAN <KELMORE@GCI.NET>

22-LS0693\C
Lauterbach
3/30/01

CS FOR HOUSE BILL NO. 164(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE DYSON

A BILL

FOR AN ACT ENTITLED

1 "An Act prescribing the rights of grandparents related to child-in-need-of-aid hearings;
2 and amending Rules 3, 7, 10, 15, 17, and 19, Alaska Child in Need of Aid Rules of
3 Procedure."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 47.10.030(b) is amended to read:

6 (b) In all cases under this chapter, the child, each parent, the tribe, foster
7 parent or other out-of-home care provider, guardian, and guardian ad litem of the child
8 and, subject to (d) of this section, each grandparent of the child shall be given
9 notice adequate to give actual notice of the proceedings and the possibility of
10 termination of parental rights and responsibilities, taking into account education and
11 language differences that are known or reasonably ascertainable by the petitioner or
12 the department. The notice of the hearing must contain all names by which the child
13 has been identified. Notice shall be given in the manner appropriate under rules of
14 civil procedure for the service of process in a civil action under Alaska law or in any

1 manner the court by order directs. Proof of the giving of the notice shall be filed with
2 the court before the petition is heard. The court may also subpoena the parent of the
3 child, or any other person whose testimony may be necessary at the hearing. A
4 subpoena or other process may be served by a person authorized by law to make the
5 service, and, where personal service cannot be made, the court may direct that service
6 of process be in a manner appropriate under rules of civil procedure for the service of
7 process in a civil action under Alaska law or in any manner the court directs.

8 * Sec. 2. AS 47.10.030 is amended by adding a new subsection to read:

9 (d) The department shall give advance written notice of all court hearings in a
10 child's case to a grandparent of the child if

11 (1) the grandparent has contacted the department, provided evidence
12 acceptable to the department of being the child's grandparent, requested notice about
13 the hearings in the child's case, and provided the department with a current mailing
14 address; or

15 (2) the department is aware that the child has a grandparent and the
16 grandparent's mailing address is on file with the department.

17 * Sec. 3. AS 47.10.070(a) is amended to read:

18 (a) The court may conduct the hearing on the petition in an informal manner.
19 The court shall give notice of the hearing to the department, and it may send a
20 representative to the hearing. The court shall also transmit a copy of the petition to the
21 department. The department shall send notice of the hearing to the persons for whom
22 notice is required under AS 47.10.030(b) and to each grandparent of the child
23 entitled to notice under AS 47.10.030(d). The department and the persons to whom
24 the department must send notice of the hearing are entitled to be heard at the hearing.
25 However, the court may limit the presence of the foster parent or other out-of-home
26 care provider and of any grandparent of the child to the time during which the
27 person's testimony is being given if it is (1) in the best interest of the child; or (2)
28 necessary to protect the privacy interests of the parties and will not be detrimental to
29 the child. The public shall be excluded from the hearing, but the court, in its
30 discretion, may permit individuals to attend a hearing if their attendance is compatible
31 with the best interests of the child.

1 * Sec. 4. AS 47.10.080(f) is amended to read:

2 (f) A child found to be a child in need of aid is a ward of the state while
3 committed to the department or the department has the power to supervise the child's
4 actions. For an order made under (c)(1) of this section, the court shall hold a
5 permanency hearing as required by (l) of this section and at least annually thereafter
6 during the continuation of foster care to determine if continued placement, as it is
7 being provided, is in the best interest of the child. The department, the child, and the
8 child's parents, guardian, and guardian ad litem are entitled, when good cause is
9 shown, to a permanency hearing on application. If the application is granted, the court
10 shall afford these persons and their counsel reasonable advance notice and hold a
11 permanency hearing where these persons and their counsel shall be afforded an
12 opportunity to be heard. The persons entitled to notice under AS 47.10.030(b) and
13 the grandparents entitled to notice under AS 47.10.030(d) are entitled to notice of a
14 permanency hearing under this subsection and are also entitled to be heard at the
15 hearing. The child shall be afforded the opportunity to be present and to be heard at
16 the permanency hearing. After the permanency hearing, the court shall make the
17 written findings that are required under (l) of this section. The court shall review an
18 order made under (c)(2) of this section at least annually to determine if continued
19 supervision, as it is being provided, is in the best interest of the child; this review is
20 not considered to be a permanency hearing and is not governed by the provisions of
21 this subsection that relate to permanency hearings.

22 * Sec. 5. The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

24 DIRECT COURT RULE AMENDMENT. Rule 17(b), Alaska Child in Need of Aid
25 Rules of Procedure is amended to read:

26 (b) **Statements.** The parties may offer evidence in aid of disposition at the
27 hearing. The court shall also afford the parties, a grandparent of the child who is in
28 attendance at the hearing, and any foster parents or other out-of-home care providers
29 an opportunity to be heard.

30 * Sec. 6. The uncodified law of the State of Alaska is amended by adding a new section to
31 read:

1 COURT RULE CHANGES. (a) Section 5 of this Act, AS 47.10.030, as amended by
2 secs. 1 and 2 of this Act, AS 47.10.070(a), as amended by sec. 3 of this Act, and
3 AS 47.10.080(f), as amended by sec. 4 of this Act, have the effect of amending Rules 3, 7, 10,
4 15, 17, and 19, Alaska Child in Need of Aid Rules of Procedure, by requiring that
5 grandparents be given notice of and an opportunity to be heard at certain child-in-need-of-aid
6 proceedings.

7 (b) Sections 1 - 5 of this Act take effect only if this section receives the two-thirds
8 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.



Alaska State Legislature

- Interim (May-Dec.) -
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Eagle River, Alaska 99577
☎ (907) 694-6683
FAX (907) 694-1015

- Session (Jan.-May) -
Alaska State Capitol
Juneau, Alaska 99801-1182
☎ (907) 465-2199
FAX (907) 465-4587

Toll free (800) 342-2199

REPRESENTATIVE FRED DYSON

HB 164 Sponsor Statement

"An Act relating to Grandparents

Updated: March 30, 2001

Contact: Representative Fred Dyson's office at (907) 465-2199

Grandparents are often the most stable and healthy influence in the life of a child from a troubled family. HB 164 assures that grandparents will have an opportunity to be heard at; Child in Need of Aid (CINA) hearings and custody hearings when the hearings involve their grandchildren.

Over the past couple of sessions the legislature has focused considerable effort on making our child protection and custody procedures more open, responsive and responsible. We have given foster parents more input and the right to be heard in treatment and in placement decisions and have encouraged more efficient placement procedures.

HB 164 will result in more informed decisions about the treatment and placement of Alaska's abused and neglected children. We also believe this measure will increase the likelihood of children being placed with relatives who may not have otherwise been located, heard, or considered.

The bill specifies that, unless the court specifically finds otherwise, the testimony of parents will be given more weight than a grandparents. This approach protects the primary parental interest while specifically allowing a court to defer to a grandparent for good cause.

Because we recognize that there will be cases where a grandparent is not a suitable option for child placement, HB 164 does not mandate that end. Instead, it requires notification of grandparents who care enough to make themselves known, so they can be part of the process if they will. The intended result is to encourage the department and parents to consider grandparents more frequently as a preferred placement option for children in need.

- E-mail -
Representative_Fred_Dyson
@Legis.state.ak.us

- Internet -
<http://www.akrepublicans.org>

Sponsor Statement

HB 164 Sectional Analysis

Revised: April 2, 2001 LS0693\C

Section 1: Inserts "Grandparents" into the list of those who must receive notice of court proceedings that could result in termination of parental rights and responsibilities in Child in Need of Aid (CINA) cases. "Grandparents" are included with; parent, tribe, foster parent or other out-of-home care provider, guardian, and guardian ad litem.

Section 2: Defines the parameters defining when the department must give notice to grandparents.

- The department must first be aware that a child has a grandparent. The department is not required to search for grandparents, the grandparent must contact the department.
- Grandparent must make the department aware of their current mailing address.

Section 3: Requires grandparent notification for informal hearings related to a custody petition and gives them the right to be heard. The court may limit the testimony and presence of a foster parent or a grandparent if it is in the best interest of the CINA.

Section 4: Requires grandparent notification of a permanency hearing for a CINA child. "Grandparents" are included with; parent, tribe, foster parent or other out-of-home care provider, guardian, and guardian ad litem.

Section 5: Amends court Rule 17(b) that allows grandparents to be heard at disposition hearings. This rule is a section of HB 164 because there is no statute that specifically addresses disposition hearings, therefore it could be argued that the bill doesn't warrant mention in Section 6.

Section 6: Itemizes the court rules changes that result from this bill: Rules 3, 7, 10, 15, 17 and 19 are changed consistent with the changes made by this act and spells out that a 2/3 majority vote is required.

FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

Fiscal Note Number: _____
 Bill Version: HB 164
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
 Title: Grandparents' rights regarding CINA. BRU: Family and Youth Services Mngmt
 Component: FYS Management

Sponsor: Rep. Dyson
 Requester: House (HES) Component Number: 2306

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time	0					
Part-time	0					
Temporary	0					

ANALYSIS: (Attach a separate page if necessary)

In its present form, this bill will have no fiscal impact on the Department if enacted.

Prepared by: Theresa Tanoury, Director Phcne 465-3191
 Division: Family & Youth Services Date/Time: _____
 Approved by: Elmer A. Lindstrom, Special Assistant Date: 3/26/01 11:44 AM
 Agency: Department of Health & Social Services

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Alaska State Legislature

Please enter into the record my testimony to the H. HESS
committee name

committee on HB 164, dated April 3, 2001
bill/subject

5 PAGES

Including Cover Sheet

Signed: Sharon Lee Shields

Testifier

Grandparents Rights Organization Committee

Representing (Optional)

HC 02 Box 7347 Palmer, AK 99645

Address

(907) 745-3106

Phone No.

Public Opinion Message

Mat-Su Legislative Information Office (LIO)
600 East Railroad Ave • Wasilla, AK 99654 • Phone: 376-3704 Fax: 376-6180

This form must be completely filled out. You may phone, fax, or deliver your POM to any LIO.

From: Please PRINT the information below. This form must be signed by the sender.

Ms., Mr., Mrs...	First name	M.I.	Last name	Jr., Sr., li...
Mailing address				Zip code
Residence (street) address if different from mailing address				Zip code
Daytime telephone number	Group affiliation (if applicable)		Signature	Date

To: Put a in the appropriate box(es). **Email Address:**

<u>Committees</u>	<u>House members</u>	<u>Senate members</u>																																																																																																																		
<p>H or S</p> <table style="width: 100%;"> <tr><td><input type="checkbox"/></td><td>Community & Regional Affairs (cra)</td></tr> <tr><td><input type="checkbox"/></td><td>Finance (fin)</td></tr> <tr><td><input type="checkbox"/></td><td>Health, Ed., & Social Services (hes)</td></tr> <tr><td><input type="checkbox"/></td><td>Judiciary (jud)</td></tr> <tr><td><input type="checkbox"/></td><td>Labor & Commerce (l&c)</td></tr> <tr><td><input type="checkbox"/></td><td>Resources (res)</td></tr> <tr><td><input type="checkbox"/></td><td>Rules (ris)</td></tr> <tr><td><input type="checkbox"/></td><td>State Affairs (sta)</td></tr> <tr><td><input type="checkbox"/></td><td>Transportation (tra)</td></tr> <tr><td><input type="checkbox"/></td><td>Other:</td></tr> <tr><td><input type="checkbox"/></td><td>Other:</td></tr> </table> <p style="text-align: center;"><u>Caucuses</u></p> <table style="width: 100%;"> <tr><td><input type="checkbox"/></td><td>Anchorage (age)</td></tr> <tr><td><input 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Message: Your PRINTED message cannot exceed 50 words or contain any vulgar language.

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Sharon Lee Shields
HC 02 Box 7347
Palmer, Alaska 99645
(907) 745-3606
E-mail: Bigcrow_ak@hotmail.com

April 3, 2001

STATE OF ALASKA
Legislative Affairs Agency

Reference: HB 164 "An Act prescribing the rights of grandparents related to child-in-need-of-aid hearings and amending Rules 3, 7, 10, 15, and 19 Alaska Child in Need of Aid Rules."

My name is Sharon Lee Shields, and my granddaughter is "a-child-in-need." The mother to my granddaughter is my younger child. My daughter was put on a pedestal all her life, loved and supported as a child, young adult, and now grown adult. I supported so much that I'm satisfied that there was nothing more that I could've given her or done to make her life happy, and provided her with a direction for great opportunity in her life.

Then in 1993 my daughter became pregnant and had my first granddaughter in January 1994. My daughter was and still is a single mother, and the father of my granddaughter was [is] military. The father was transferred out of Alaska when my granddaughter was just over a year old, and has recently been transferred back to Alaska last August 2000 after being absent for almost six years.

In the beginning of my granddaughter's life, my daughter and the military-father moved in together and for a short time stumbled through making an effort at being parents, they depended on that I supported them along with my granddaughter physically, financially, and emotionally.

Up to that point, my daughter had only babysat one time in her entire life before having my granddaughter. In her teenage years and as a young adult she didn't have time for children and was impatient around them. So, I knew what her child would be up against: a mother with a days training and self-absorbed. Currently, my granddaughter has lived through six live-in boyfriend relationships of my daughters.

I had no plans of raising another child, but as time went on I knew she was a "child-in-need." So I just assumed the position of the absent parents, and became a psychological, emotional, physical and financial parent to my granddaughter, and had my granddaughter 80% of her life up to November 5, 2000. That time is well documented, as I am a writer. The documentation started out as a diary of fun days and events with my granddaughter, and then last May 2000 the diary turned into documentation of horrible physical and mental abuses reported to me by my granddaughter.

My granddaughter reported: May 23, 2000 my daughter slapped her across the face so hard it knocked her off her feet. And because she cried too loud, my daughter ordered her to go to the bathroom until she could quit crying. My granddaughter reported: there, she lay on the bathroom rug until it quit hurting so badly, and she could quit crying. The next morning when my daughter dropped her off to me again, the big red mark (handprint) on her face was still visible; the next

reported incident was that my granddaughter was slugged in the back, on her kidneys by my daughter's sixth live-in boyfriend and the red mark across her kidneys was still on her back the next day after school when she came to my home; food has been withheld from my granddaughter and warm clothing not sent to school when the weather was cold.

During the past seven years, my heart has ached each time my granddaughter, as a small child, was dropped off to my home after she had spent time with her mother, because she acted out so dramatically: yelling and screaming at other children, it took a few days for her to calm down, again. The stress and sadness in my granddaughter's eyes told me of the results of her stay with mommy.

My daughter has a history of impatience, and violence when she doesn't get her way, and I had suspicions that she wasn't capable of proving my granddaughter with a loving, nurturing environment. But I always kept hope.

So there I was: I was a brand new grandmother already with "a-child-in-need." I don't know where the years have gone, but during that time, my granddaughter was provided a normal life because of my elder daughter and her family, and me. As the years passed, it just became natural that my granddaughter was apart of my elder daughter's family and my life and included in our plans: plans for the day, the week, the month, and then the years. Time has slipped away, and out of love and caring, the end result of time was that we have given my granddaughter a normal happy life.

At the time my granddaughter started reporting the abuses, I tried addressing those issues with my daughter because I had knowledge of the way the DFYS system operated and I didn't want my granddaughter dumped into an already non-functioning system. And of course, my daughter threatened me with the system I feared, telling me that I better be careful because I have no rights. And from that time on, when I addressed the abuse issues with my daughter she threatened withholding my granddaughter from me, and she threatened my granddaughter to keep secret what went on within her home, or she wouldn't be able to see grandma again. My granddaughter became confused, because I had always been the person whom she could confide in and depend on, now I was getting her in trouble.

Then when my granddaughter was dropped off on Monday mornings for the week, she would scold me, in her own young-words telling me how disappointed she was by me getting her in trouble with her mommy, and that she couldn't talk to me anymore because I got her into trouble. Perhaps only an hour would lapse, and she'd tell me what was going on because it hurt her and she had to have someone to confide in.

So there I was, my granddaughter's guardian angel, handcuffed by the system. I had all the responsibility of my granddaughter for seven years, but no authority. And a daughter very well versed in the fact that I had no rights.

Last year, I took my granddaughter to school almost everyday and volunteered in the classroom at least three times a week. I even got a volunteer award. My elder daughter and I baked cookies for every child who graduated in all the kindergarten classes at Tanaina Elementary School. My granddaughter was one of the top students in her classroom, and she looked forward to and depended on me participating in her learning and her life.

On November 5, 2000, the reports of abuse from my granddaughter got so bad, and the father would do nothing after many pleas for his help from many outside people. He didn't want to get involved, he said. So, I was forced to address this issue with my daughter, knowing how risky it was and the consequences, but I couldn't ignore my granddaughter's pleas for help, seeing her desperation, and knowing helplessness.

On November 5, 2000, I tried to do an intervention with my daughter. After many repeated attempts to sit down and talk with her to no avail, I finally demanded that she meet with me. But the intervention blew-up in my face. She brought the father, and a friend of hers from the Social Services Department on a Sunday, an elaborate scheme to squelch any of my efforts to resolve this with my daughter, or to protect my granddaughter. I was threatened by the Social Service worker, and the father; and told to keep my mouth shut. I recorded the intervention and had it transcribed by a court reporter because it proved negligence by both parents, and the Social Services worker.

The consequences of my efforts were that my granddaughter was taken out of my life. Immediately, the parents went to the school and revoked all my volunteer privileges, and access to any of the classrooms, and have not been allowed access to volunteering since that date. I have not allowed me to see or talk to my granddaughter since December 3, 2000, when I was allowed to see her for 6 hours. My granddaughter was frantic then, I can't imagine how she is doing now.

Back when my granddaughter started talking, and my daughter would come to take her for the weekend or a day, my granddaughter always asked me and made sure by asking me when she was coming back to my house. Now, I can't talk to her on the phone; she can't come to my home; she can't spend the night with me; I can't volunteer in her classroom; I'm allowed no contact with her at all because I tried to protect her. That's not even the beginning: my granddaughter cannot see anyone whom she depended on and loves, her aunt, uncle, or new cousin. We, her family, have not been allowed by the parents to have a Thanksgiving, Christmas, celebrated her birthday, or Valentines Day with my granddaughter.

This is not a normal life for my granddaughter. My granddaughter's life has been turned upside down by the parents and they could care less for my granddaughter's welfare or feelings as long as they have control over the family.

My daughter works for the system and lives in the Valley. Palmer/Wasilla is a small community, and my daughter has many friends within the social services departments in the Valley and she has been given confidential information about my contacts with the DFYS in the Valley. That fact alone has been the most damaging factor in my efforts to see and protect my granddaughter.

As so many grandparents have discussed in our Grandparents Rights Organization. The most hopeless and helpless feeling we have in the world, after loving, caring and nurturing our grandchildren, is when we are forced by our abusive children to go to the system for help and the response is **ALWAYS**: if the child is not in immediate danger right at that very moment, they say the child is safe. Meaning that the child is not in an emergency room with internal damages or broken limbs, or in a morgue waiting to be identified at the time of reporting the abuse, because, "the child is not in immediate danger."

As I stand before you today, I still struggle with the system, and the parents to see my granddaughter whom I have not seen in 5 months, now. I can't even think about what she's gone and going through. But, according to law, I have no rights to know that.

HB 164 is the beginning effort that should be made in securing rights for Grandparents who have been active in raising their grandchildren, or would like to have the opportunity to know what is happening to their grandchildren. Since when did the family unit not include Grandparents? We are sick of being looked upon as the reason our children, the parents, are the way they are, because that is just not the truth. The majority of Grandparents in our group are educated, loving people, and caring people who have loved their children and now their grandchildren. What we see as the beginning problem was that we were there too much for our children, and supported them too much. We have given our children too much, and we haven't expected any thing in return for our efforts, time and love for them. We are horrified and bewildered that our children could do this to us and to their own children.

At the least, Grandparents should have the right to raise, or **continue** to raise their grandchildren, and should have knowledge that our grandchildren are "children-in-need-of-aid" and not have them put into foster homes. To me, that would only be common sense, but to the system it is not.

I understand that morals, scruples, and common sense can't be legislated, but it's time that we start using them as laws about "our grandchildren" are being legislated. Remember these grandchildren could be one of yours in another state or another town, and the truth about their welfare withheld from you. I don't know one of you here today who wouldn't want to know that your grandchild was being placed in a foster home by DFYS just so they could get its quota of "child numbers" for state and federal funds.

Go home tonight and look at your grandchildren, or call them on the phone, and when you hear their small voices know that they could be placed in a foster home by DFYS, without your knowledge, or notifying you that your grandchildren are even in the system. When DFYS placed little Steven Murray in a foster home, he didn't have a voice, and now he's dead.

Officials from agency level people, Timothy Spangler, all the way to Commissioner Karen Purdue know exactly what is going on with my granddaughter, and do nothing because she's only a "Priority 3 case." Well I'm here to tell everyone here today that my granddaughter is and always has been a "Priority 1 case" to me.

It's time to move DYFS, its rules, and its budge out of the way, gather our morals, scruples, and common sense and put grandparents back into the family picture. Would we have so many children in the system? Would we have so much violence in schools? Would we have the school shoots if our children and grandchildren had real families to go home to? Who knows?

Thank you for your time, and I pray for all our children and grandchildren that we begin to move to the family unit back, and HB 164 will be a step in that direction. And be in the best interest of our grandchildren.

Sincerely,


Sharon Lee Shields

According to the Article in "Parade" of the ADN, 3.9 million children in the US were living in homes maintained by their grandparents. But those grandparents get paid less than 50% (if anything) of what a foster parent receives, thus saving the state over 50% on every grandchild that is with a grandparent. Some grandparents would need help, but most just want their grandchildren.

HB 164 is a great step to further protect our children in need of aid. Children whom are taken from their parents are traumatized; then to be torn apart from siblings, then thrust in the middle of strangers is emotional and mental abuse. Placing these children with a grandparent or relative eases their minds; this is their family, someone who understands them, loves them and who wants what is best for them.

DFYS utterly ignores grandparents, telling them "they have no rights", "they will never see their grandchildren again", "they are no better than a stranger". **THIS HAS GOT TO STOP!** Most grandparents are perfectly willing to take the grandchildren, so why should the state spend the money to put these children in foster care. Use that money for those who do not have grandparents or relatives that can take them. It is suppose to only take 48 hours for DFYS to investigate someone.

Other than most parents, who has the greatest concern for our children - none other than a grandparent. A grandparent is an ongoing part of a grandchild's life. It is not in the grandchild's best interest to have their lives disrupted, their grandparents and relatives taken from them and be placed with strangers.

Also in communicating with the grandparents it could help speed up investigations with their input and past knowledge of the situations, and provide a safe and familiar haven for the children while the investigation is taking place. This also saves DFYS money. I think any parent would rather have their children with their parents rather than a strangers home.

This bill allows grandparents to have the opportunity to be involved in the hearings held by the state in cases involving our grandchildren. This is a very important procedure for the Courts & DFYS to be able to properly establish what is in the "Best Interest of the Child" as described in AS 25.24.150(c)(1-9). So please vote for approval of this House Bill 164.

Betty Short, President
Grandparents Rights Organization

Although I am president of the Grandparents Rights Organization, I had a personal endeavor with DFYS which I hope will show you the need for Grandparent Intervention and DFYS to pay closer attention to Grandparents.

My granddaughter went to her teacher about 5 years ago saying she thought her mother was abusing her brother (who was then in the 8th grade). DFYS was called in and this was our chance to intervene as we had our suspicions, but in talking with our daughter, of course, she denied everything, saying he was a liar, etc. etc. DFYS opened a file, calling her on the phone and asked how she disciplined her children. She said she gave them time out, of course she's not going to admit to anything of abuse.

I gave the caseworker, Ada Gleason, names and phone #'s of adult people whom had seen this abuse. She not only did not call them, but never returned any of their calls. A few months later she closed the case sending my daughter a letter saying "charges were unfounded". Course the charges were unfounded because she never talked to anyone who could tell her any different.

It continued and my husband and myself hired an attorney and went to court, where the minor was assigned an Atty at litem, who did do some checking into the situation and made her report to the courts. We were awarded custody by Master Dugan.

Raising a teenager again was a challenge, but he excelled in high school, was very active in sports, and turned out to be a very nice young man. Now if DFYS had of intervened and checked on things like they should of, the situation would of been taken care of immediately, not have cost us money and maybe the family could of been united without the hardship and animosity that a court battle caused between the mother and us.

I hope this story shows you the need for DFYS to work more closely with the grandparents, showing things can be worked out. Had we not been able to hire an attorney I strongly feel this child would of ended up on the street in some gang, because of his home life. No child wants to put up with abuse. You teach your children to trust the system, but what do you tell them when the system fails them?

Please vote for HB 164 and give these Children a chance to stay with the family that they have left in familiar surrounds, with familiar and loving people, not STRANGERS! This allows the children also to maintain their heritage, gene history and medical backgrounds - Who they are! Years down the road this is a very important matter to them. Remember these are the children that will rule after we retire!! We are now a solid rock to these grandchildren, we want them to be a solid rock in our future.

Betty Short,
Caring & Concerned Grandparent

**Ed Stroman
3224 Linden D..
Anchorage, AK 99502**

I am vice president of the Grandparents Rights Organization of Alaska. Although I personally have had no problems with DFYS, I do see quite a few people in our group that has had problems.

I found it personally appalling that the DFYS is allowed to get away with the way they operate their agency. An organization that was formed to maintain the welfare of our families and our youth needs to rethink what they stand for, and remember what their real job is.

In their own bylaws, the DFYS is supposed to try to place the children that are taken out of a dysfunctional family with a direct family member as soon as possible, 48 hours is the rule. That being the case, why then does it take weeks and even months to get the DFYS to even consider investigating family members for appropriate placement. Placing children into foster care is a very traumatic thing for a young child who does not understand what is happening to them.

First they are taken out of the only home they know and placed in a home where they don't know anyone. Next, the grandparents that are not involved with the removal of these children are denied any visitation with these children. Who, at this time, need all the support that they can get.

The children of dysfunctional families need all the support that is available to them, and getting them into a familiar setting as soon as possible should be utmost on the minds of all lawmakers in this country. Not all children can be placed with family members, but all children deserve the right to have that opportunity.

I ask that you try to pass this bill quickly through legislation to save our children's future.

I HAVE NOT PERSONALLY HAD ANY DEALING WITH DFYS BUT DUE TO A PERSONAL DISPUTE WITH ONE OF OUR 12 CHILDREN; WE HAVE NOT BEEN ALLOWED TO SEE 2 OF OUR GRANDCHILDREN FOR OVER 3 ½ YEARS.

THE OLDEST CHILD HAS BEEN VERBALLY & EMOTIONALLY ABUSED SINCE HE WAS A SMALL CHILD. HE HAD BEEN KICKED OUT OF SCHOOL & NO-ONE SEEMED TO BE ABLE TO CONTROL HIM. ANOTHER DAUGHTER EVEN TOOK HIM FOR 3 ½ MONTHS AND THEY WORKED ON DISCIPLINE & MEDICATION CONTROL. BUT SINCE BACK HOME, HE KEEPS RUNNING AWAY FROM SCHOOL & ACCUSING HIS MOTHER OF ABUSE. ALL PROVED FALSE--- BUT HE GOT THEIR ATTENTION!!!!

WE GOT A CALL FROM THE SECOND DAUGHTER TELLING US THAT THE MOTHER WAS TRYING TO PUT THE CHILD IN FOSTER CARE. WE WROTE & THEN CALLED & FINALLY GOT A TEMPORARY GUARDIANSHIP HE IS NOW IN RABBIT CREEK SCHOOL, AND THO NOT A GREAT STUDENT-- IS DOING OKEY. HE IS STAYING IN THE CLASSROOM & USING THE RESOURCE ROOM FOR MATH & HIS PROBLEMS.

OUR POINT --- JUST A LITTLE LOVE & AFFECTION HAS MADE A WORLD OF DIFFERENCE IN THIS CHILD'S LIFE. HE SMILES & IS A HAPPY CHILD AGAIN; HE WAS IN A WORLD OF DISRUPTION & SELF-DESTRUCTION BEFORE WE COULD RESCUE HIM.

WHAT A DIFFERENCE FAMILY CAN MAKE; GRANDPARENTS CAN GIVE A CHILD NATURAL -- GOD GIVEN -- LOVE. THEY ARE OUR FLESH & BLOOD !! OUR GRANDPARENTS RIGHTS ORGANIZATION HEARS SOME HORROR STORIES OF THE FOSTER CARE & DFYS TREATMENT GIVEN TO CHILDREN. PLEASE LET US HELP THESE POOR ABUSED (IN ONE WAY OR ANOTHER) CHILDREN THAT WE LOVE NATURALLY. WE ASK YOU TO ENDORSE THIS BILL BEFORE YOU FOR THE GUARENTEE THAT GRANDPARENTS & THEIR GRANDCHILDREN' MAY FORM A LIFE-LONG BOND.

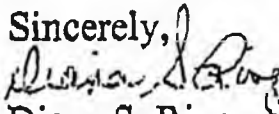
SINCERELY,
LEILA NELSON, 13926 LAKE OTIS, ANCHORAGE, AK 99516
PHONE 907-345-2578

To Whom it may concern:

In 1991, when my grandson was 6 months old there was an incidence of abuse reported to DFYS. At that time he was placed in our home with his teenage mother. My son and the mother were not married. Since that time my son has died, the mother has married and has a whole new family. My grandson has been adopted by his step father. They do not include us in their lives.

My concern for my grandsons safety remains an issue and if their were to be another incidence of abuse reported, I am not sure DFYS would include us in the case or consider us for placement. I am not sure the parents would tell a caseworker we exist. Since he has been adopted and has a new last name, I do not know if DFYS could/would pull up the previous incident for information regarding grandparents.

I see this bill as an improvement to include grandparents in the lives of children placed under DFYS jurisdiction, but I am concerned that it does not go far enough. Maybe there needs to be some kind of registry within the system to allow grandparents to register with all their grandchildren's names that can be accessed when a child enters the system.

Sincerely,

Diana S. Ring

Being in the system and having battled with DFYS for over 3 years I can very much relate to what HB164 would mean to a grandparent. DFYS just plain does not care about unity, only money a child can bring them by being placed in foster care or adopted out.

They have taken my grandchildren out of my home with some phony allegations, placed them in various foster care homes. They split them up, 2 of them ending up in a good home in Craig, Ak. The other tried to jump out of a car at a red light (she wanted to go to her grandmothers house), so they put her in Charter North, where she was drug across a floor (injuring her) by a nurse.

She was then sent to a group home being fed 3-4 drugs a day and she shakes & quivers and sometimes is very withdrawn, very pale and thin. We can't even share the holidays with her. Gifts have to be dropped off prior to a holiday. They eat or throw away the candy. They hold gifts as a behavior tool. It is devastating for a grandparent to see their once bubbly, loving grandchild like this. She is traumatized and emotionally and mentally beat down.

Just recently visitation was reinstated with 1 hour per week with her. We have not seen the other children since February '00.

I filed a grievance, which was a mistake because the retaliation from DFYS only harmed me and my grandchildren.

I ask you as the peoples representatives to vote for HB 164 to help these children that can be helped, so they may grow with the learning of their family and become good solid adults.

Marcia Whitcomb

To whom it may concern:

My experience with DFYS is minor compared to some of the other stories that I have heard and seen.

But like all the rest, the response from DFYS was the same. Being told that the grandparents are not a 'Party involved' is a great mistake. Grandparents are the "special" people that is needed and wanted by the children. If DFYS is so concerned about the "will being" of the children, they should be bringing the grandparents into the picture of what should be done. The next best thing for a child is the grandparents. Grandparents have nothing but the 'best interest' of the children. They give them 'unconditional' love that is so much needed in a child's growth.

So far, I have only seen DFYS cause hatred and anger in such little minds which is as much an abuse as what they are suppose to be protecting the children from. This hatred and anger stays with the children for a long time if not forever. How can they learn respect and kindness? Will they become another Timothy McVey? Will they become one of these children that will bring a gun to school?

When my grandson ran away from his mother when the situation began, he ran to my place for safety. It was the hardest thing to have to call his mother and let her know where he was. And before she and the police got there, I told him if there is a problem he should talk to the police or teacher or the counselor he was SUPPOSE to be seeing. What was the first thing the police did???? He yelled at the boy (only nine years old). If you could have just

seen the tears in his eyes and how he was trying so hard to hold them back, so of course, he turned it into anger. And was that ever worse!!!! His mother was not concern about about the child. Her only concern was making an issue so she can get custody in a divorce. And DFYS did not even investigate the accusations. Even, after evidence was given to them, they just ignored them.

And of course, trying to get a meeting with them to try and protect the children, it was totally IMPOSSIBLE. I was not a 'party involved'... why did the child run to safety at my house? And I could not give them that safety. I had to turn him back to his mother.

Grandparents are a part of the 'link' in the chain of life. A life of a child that needs love and understanding and spiritual growth in order to succeed and become a member of the society. Don't let them become angry at the system, at the law, and at themselves. Lets listen to these children that want to turn to their grandparents. Don't let them be taken away from the grandparents like in some instances they have, when the grandparent was already giving them the care and love they needed.

If we have to go to having a law in order to protect these children and helping them complete their circle of life, than this law should be seriously look at and make it so.

Arlene Romer

I have seen many families torn apart by a system that is not functioning in the Best Interest of the Child. The DFYS is an agency that needs to be monitored for inadequacies in their operation. Too many times our grandchildren are falling through the cracks in the system.

HOUSE BILL 164 is designed to aid our grandchildren by giving the grandparents a chance to save the children from a life lived in foster care. These grandkids need a family that they know so that they can grow up learning how to be good citizens. Living in foster care is a good temporary solution, but living with immediate family, whenever possible, is still the best solution.

Give the grandparents a chance to love their grandkids while they can, vote for HB 164.

Bill Slayton

House bill 164 is a step towards giving the grandparents of Alaska and the grandchildren of Alaska, the rights that they have always deserved.

Over the past couple years, I have seen first hand what a problem D.F.Y.S. has with placing children with immediate family whenever possible.

As a member of the Grandparents Rights Organization of Alaska, I have talked to several people that have had nothing but grief from D.F.Y.S.

Grandparents being told that they don't count because they are "only grandparents and don't have any rights".

Being denied visitation by caseworkers simply because the workers don't like the way they dress.

Not all grandparents are rich. At least not monetarily rich.

They are rich in the fact that they love their grandchildren very much. Enough to want the children to live with them when it is necessary.

But D.F.Y.S. has put up roadblocks all along the way.

There is no reason, in most cases, why the grandparents can't keep the grandchildren in their homes.

It costs a lot of money to maintain a child in a foster home, and it also damages the children's minds when they are denied visitation with a beloved grandparent just because a caseworker says no visits.

Our grandchildren are the future of this country, and need to be shown that if their parents can not be around to raise them, then their grandparents can.

Give this bill your utmost attention, because it can effect all of us. We can all be grandparents some day.

Mary Lou Foster

GRANDPARENTS HAVE A VERY SPECIAL RELATIONSHIP WITH THEIR GRANDCHILDREN. WHEN THEY ARE WHISKED AWAY AND TOLD THEY CAN NOT SEE THEIR PARENTS, MUCHLESS THEIR GRANDPARENTS OR OTHER RELATIVES, THIS IS DEVASTATING TO THEM. THEY DO NOT UNDERSTAND WHY!!

GRANDPARENTS WHO WANT TO BE INVOLVED AND PARTICIPATE IN THEIR GRANDCHILDRENS LIVES SHOULD NOT BE JUDGED THE SAME AS THOSE WHOM ONLY WANT TO SEE THEM ONCE OR TWICE A YEAR.

REP FRED DYSON INTRODUCED HB 164 WHICH ALLOWS GRANDPARENTS TO PARTICIPATE IN DFYS INVESTIGATIONS AND ENTITLES GRANDPARENTS TO BE HEARD IN COURT. THIS IS AN IMPORTANT STEP IN PROTECTING AND PROMOTING THE CHILDS MENTAL AND EMOTIONAL WELL BEING. THEY WILL KNOW THAT A FAMILIAR IDENTITY IS OUT THERE FIGHTING FOR THEM.

THERE ARE LAWS TO GRANT VISITATION TO GRANDPARENTS AS THERE IS FOR PARENTS. THERE ARE EVEN PENALTIES IF THIS IS NOT ADHERED TO.

A.S. 25.20.065 (THE GRANDPARENTS' RIGHTS LAW) RECOGNIZES A GRANDPARENTS RIGHTS TO SEE HIS OR HER GRANDCHILDREN.

A.S. 47.14.100(e)(1) PROVIDES THAT THE STATE DEPARTMENT CANNOT PLACE A CHILD IN FOSTER CARE IF A BLOOD RELATIVE REQUESTS PLACEMENT, UNLESS THE DEPARTMENT DETERMINES THAT THE PLACEMENT WITH A RELATIVE WILL RESULT IN PHYSICAL OR MENTAL INJURY TO THE CHILD, ETC. ETC.

A.S. 47.10.080(p) PROVIDES THAT THE DEPARTMENT MAY DENY VISITATION TO PARENTS, GUARDIANS OR FAMILY MEMBERS ONLY IF THERE IS CLEAR AND CONVINCING EVIDENCE THAT IT IS NOT IN THE BEST INTEREST OF THE CHILD, ETC. ETC.

DFYS DOES NOT ADHERE TO THE ABOVE. THEY ARE INTIMIDATING AND DENY THEY KNOW ANY OF THE ABOVE. THEY BELITTLE GRANDPARENTS AND TELL THEM THEY HAVE NO RIGHTS.

I ASK THAT YOU STRONGLY APPROVE HB 164 FOR ADDED STRENGTH FOR THE GRANDPARENTS TO FURTHER PROTECT THEIR GRANDCHILDRENS HERITAGE AND RIGHTS.

THANK YOU,

ROSS FOSTER

THE FOLLOWING COPIES OF LETTERS TO THE EDITOR OF OUR ADN TELLS A LOT. I HOPE THE LEGISLATION PAYS CLOSE ATTENTION TO THESE.

I THINK IT WILL BE A LONG TIME BEFORE ANYONE WILL FORGET THE STEVEN MURRAY STORY. I REMEMBER HIS MOTHER AND GRANDMOTHER COMING TO THE GRANDPARENTS RIGHTS ORG MEETINGS, PLEADING FOR ANYONE THAT COULD HELP THEM. CHILDREN NEED TO BE PROTECTED AND IF OUR CURRENT AGENCY CANNOT DO IT, THEN WE NEED TO REVAMP AND DO WHAT HAS TO BE DONE!!!

THE 2/1/01 FROM WENDY ISBELL WAS SHORT, BUT DIRECTLY TO THE POINT, BUT VERY TRUTHFUL.

EVEN THE TEEN SHELTER ONE SHOWS THE INEFFICIENCIES OF DFYS. THAT ONE SOUNDED LIKE A COVER UP TO ME. WHY WEREN'T THE FACTS CONFIRMED BEFORE A STORY LIKE THIS WAS EVEN PRINTED. BECAUSE DFYS THROWS OUT A LINE, USUALLY TO GET THE HEAT OFF OF THEMSELVES. IF THEY DO THIS WITH OUR CHILDREN OF ALASKA, WE ARE IN DEEP TROUBLE.

PLEASE VOTE FOR HB 164 AND GIVE THE GRANDPARENTS A RIGHT TO FIGHT FOR THEIR GRANDCHILDREN!! YOU ALL WILL PROBABLY BE GRANDPARENTS SOMEDAY, IF YOU AREN'T ALREADY. I'M SURE YOU DON'T WANT TO READ LETTERS TO THE EDITORS AS SUCH ABOUT YOUR GRANDCHILDREN.

BOB M. STRAUSS

12-9-00

DFYS not held accountable

I have just read yet another story about the ineffectiveness of our state's version of Hitler's Brownshirts, the Division of Family and Youth Services. Joey Wolfe, age 2, was allegedly killed at the hands of his mother's boyfriend while she was working at a strip club ("Boyfriend faces charges in death," Dec. 5). Joey had been in and out of state care for more than a year before being released to his mother, a stripper with a few convictions for disorderly conduct and forgery. Her boyfriend (whom she is "sticking by") had a history of flashing. Not exactly savory material.

It seems that every year right before our lawmakers return to Juneau, we read lots of stories describing how children have been abused while in custody of DFYS.

What was DFYS doing that was so important that they weren't keeping an eye on this little boy and his brother, Dallas? How did their mother, whose lifestyle was high risk, get her sons back after she lost custody? Did her son's father ever hear about his children being abused? Before there was a death? The article was mum on this.

When are people going to care that our Legislature is throwing money at DFYS without demanding accountability? If they had a strict procedure that they followed, a lot less people would fall through the cracks (or innocently land in it when they shouldn't) and we'd have fewer deaths. Do we need to fund a memorial site dedicated to children abused while in the state's custody before our Legislature holds DFYS accountable?

— Kellie Coulson Davis
Wasilla

1-30-01

Teen shelter receiving unfair treatment from state agency

The Anchorage Daily News recently published an article about Division of Family and Youth Services Licensing closing Challenge Center, a three-bedroom home for teenage girls operated by Alaska Youth & Parent Foundation ("State tests teen shelter," Jan. 15). The article, based almost entirely on a DFYS report (which was released to the newspaper before our agency even had an opportunity to read it, much less respond to it), was neither factual nor objective.

We have now reviewed the report. And it is wrong. The DFYS investigation, and its subsequent "findings," are incomplete, inaccurate and clearly not factual. In an attempt to understand the basis of the report, AYPF has repeatedly asked DFYS Licensing for the notes, files, and interview materials it used, but DFYS Licensing has not released its full file. Why?

AYPF has asked for a full and fair hearing. We are confident the facts — the truth — will be exposed. Our agency will prove the three teenagers at the shelter were, in fact, thriving in its home-like setting until DFYS Licensing made unfair and unfounded accusations about us. Such actions are harmful to the youth both DFYS and AYPF are pledged to serve.

Unfortunately, this has happened to other foster care providers. If you have had a similar experience, or want to learn more about our organization, visit our Web site at www.aypf.ak.org, or call us at 274-6541.

— Bonnie Lembo
Honorary board member
Alaska Youth & Parent Foundation

2-1-01

Killer's light sentence shows kids and women are worth less than men

Doesn't it bother anyone else that Randall Smith can be convicted of murdering a male reporter and get 104 years in prison, while Melissa Falgoust tortured and murdered her foster child Steven Murray and received only 10 years? The message is loud and clear: Crimes against women and children in Alaska go unpunished by prosecuting attorneys. Our worth is less than that of men.

— Wendy Isbell
Anchorage

What is the rest of the story behind boy's death? We need answers 2-1-01

Steven Murray's story "Boy's killer gets 10 years in prison" (Jan. 27) isn't over yet. I would think it should be the beginning of the real story: Who was the social worker who decided to take the boy from his mother? Should the accuser of

“
*This incident
surely
deserves a full
investigation.
I submit that
someone knew
more than
what we have
been told.*

”
— John Tetpon

Steven's mother have any credibility? Who decided Steven should go to the Falgousts? Where was the tribe, if any, in this case? Why wasn't the Indian Child Welfare Act, if applicable, part of the CINA proceedings? Who was the judge who decided to place Steven with the Falgousts? Who was the guardian ad litem in this case? Did the defense attorney who represented Mrs. Falgoust know of her propensity for violence when he or she represented her regarding the baseball bat beating of her husband? As an officer of the court, why didn't he or she come forward?

These are questions that demand answers, for Steven's sake and for all the children in similar circumstances. Just because DFYS has said so does not mean Steven's mother was guilty of anything. I am sure she and all people would not have beaten her son to death. Not only is the system broken, the reporting is skewed to protect the status quo. Perhaps Rep. Fred Dyson's Health, Education and Social Services committee and the commissioner of the Department of Health and Social Services will address the above as a start. This incident surely deserves a full investigation. I submit that someone knew more than what we have been told.

— John Tetpon
Anchorage

In 1991 when my oldest grandson Taylor (6 months old), was being abused at home, DFYS became involved after a trip to the emergency room resulted in an investigation. As I was one of those reporting the abuse, along with the ER physician, DFYS contacted me to see if I would assist in providing Taylor a temporary safe home. Taylor and his mother had been kicked out of her mother's home and had moved in with friends. My son and Taylor's mother were not married, and as I had three teenage boys living at home, I was not thrilled that his mother would be coming to live with us also, but I was glad to be able to provide a safe place for Taylor.

During the time they were with us, DFYS had set up a list of things T& J (Taylor's mother and father) were supposed to do. This included parenting classes for both and some psychiatric evaluation and help for T. Taylor and T lived with us for about 6 weeks. It became necessary for us to ask her to leave our home after she was found in a compromising situation with one of my sons friends. DFYS had been out to our home and found things going well, and they closed the case. J did attend the first couple of parenting classes but as T never attended any, and she had physical custody of Taylor, J did not complete the course. T did attend one counseling session during the time she stayed with us, but did not continue after her DFYS file was closed.

Fast forward 5 years. My son is deceased and Taylor is again being abused, but DFYS does not find cause for concern. How they came to that conclusion I will never know. T and her new husband are angry with us for trying to protect Taylor and accuse us of interfering in their family. They begin withholding visits. We file for grandparent's rights through the courts. They petition to adopt him.

We testify to the fact that as our son is deceased, and Taylor loves us as we love him, we wish to have court ordered visits. Also that the reason visits have been denied is because of the DFYS issue. During the hearing that lasted less than 30 minutes, they deny any interventions by DFYS, accuse us of stalking and dropping in on a whim to visit. They also lie about domestic

violence in our home, stating they had seen my husband strike me. We were not allowed to speak after T to deny or clarify anything, and our attorney did not ask for an extension of the case as she told us she would. Master Brown ruled against us. Reading his ruling, Master Brown misinterprets the facts, and contradicts himself. Nonetheless, we have lost legal visitation with our grandson.

My grandson was adopted shortly afterwards, and they moved out of state. At least when they did that they moved him away from the abuser. They were gone little more than a year and when they returned to AK, they moved into the abusers home. Without visits, Taylor can not tell us what is going on. We can not see the signs of the abuse and protect him. They have now moved into a home of their own, but I am still very worried about him. We are not allowed to call or visit him, they do not bring him to visit is. We do not know where he lives. But we do know where his stepfather works. We drop gifts off for birthdays and holidays at his father's work place. But we do not know if he is aware they are from us. I saw him in K-Mart a year and a half ago. But have not seen him since.

The laws of Alaska are not being followed in regards to Grandparent's Rights. The courts are not listening thoroughly to these cases, and seem to believe the parent has all the rights. How unfair this is to these innocent children. They are being denied the love and support and the sense of family.

We are very cautious. We are in a no-win situation. If we call or attempt to see him, we fear being accused of stalking or harassing them. If we do nothing, we are accused of not caring or doing things on a whim. We feel it is probably better not to anger them further, thus we remain silent. The less they have to say about us negatively within Taylor's hearing range, the better. I hope and pray he remembers us and knows how much we love him. I wish we could be sure. But at this point we feel we have to wait. Wait until He is old enough to look for and hopefully find us.

My name is Donna Ashcraft Cugler. DFYS came into my life on April 25, 2000. I have three girls thirteen, ten, seven. The thirteen year old said my boyfriend of five years has been sexually and physically abusing her over the past year. Also she said her ten year old sister had been abused too. So Peter Houston social worker and police officer Shawn Percell took all three of my children. They walked in my house without knocking. Did not offer any alternative so the children could stay. They made up their minds before they entered my home.

According to my case plan I am supposed to get my children back. But new social worker Janet McDermott and guardian ad litem June Houston went to turn custody over to Dad and stepmother. Dad remarried a woman with seven children and he has never paid child support. They all live in a small three bedroom house. And Assistant Attorney General Susan Walker, I see why she has the job she has. They don't know what the truth is. Cynthia Rabe, attorney for fathers, with fathers help made up stuff and lies as court went on. They made up lies about me living with Dennis Keeling. The guardian ad litem June Houston testified against me. And she only spoke to me briefly on the phone once.

JAN 2000

JANUARY 2
2000

30 THURSDAY 1-15-01 364/1 ✓

1. Caseworkers do not read their files. They know very little of each case.
2. They do not make step parents keep the children in counseling.

31 FRIDAY 365/0

3. They have tried to take visitation back from mothers one day a week. Simply because since visitation in my home, the girls have increased their desire to come back home. DFYS claims that causes problems in their step parents homes.

1 WEEKEND 365/5

4. Mother has completed three case plans, and complied completely with DFYS and it has been nine months. And the children
- 2 still out back home with mom. 2/364

5. ↓

JAN 2000

3 JANUARY
WEEK 1

3 MONDAY 3362 ✓

5. DFYS Allows my children to remain in a home with seven kids and two adults plus my three.
5. A. And the Step Parents Allow my seven year old to walk home alone from school.

Mother has reported it

4 TUESDAY to DFYS several times. Nothing has been done. 4/362

6. My kids cry at the end of visitation because they don't want to leave our house and go back to their Dads house.
7. Their Dad and stepmother talk about their mother, and it hurts the children

5 WEDNESDAY emotionally. 5/361

Please provide a short version of your story.

In July of 1999 my son Albert Edwards Sr. was sentenced
to serve 1 year in Pt. McKenzie, Wasilla. A day or
two later my grandchildren were in state custody and
I haven't seen them since. The DFYS does not return
any of my calls or letters! My grandchildren were
placed in custody of a child molester named Ronald
Mallott, who has already molested my oldest grandson,
an act I saw with my own eyes. Whenever my
grand-daughter misbehaved or didn't obey her mother
she was threatened with being sent to bed
with the molester.

The DFYS did not notify me of any hearings.
The DFYS does not answer any of my letters
or phone calls! I would like to see my
grandchildren again. I would like my
grandchildren to live with me until their
father is released from jail.

Case workers: ELENA FRANKS

Richard Galang

Please provide a short version of your story.

I get supervised visits with my 11 year old
daughter maybe 2 a month. Her hair is not
combed my visit amount to 15-20 min. I told
I get to talk to her on the phone, I said it not
the same as holding her + kissing her. She
hardly gets to see her brother, he is 7 mos old
and she is three. She told me she misses me very much,
cant even take her to McDonalds or anywhere else. Cant
spend a night together
This is a bad atmosphere for this child.

Elvira Walker

Please provide a short version of your story.

We were given court ordered visits and phone calls from the judge but have been refused on several occasions by the ex-son-in-law.

The courts gave custody to my ex-son-in-law even after he was originally found to be unfit due to attempted suicide. The new judge

decided that he was a fit parent even without seeing any proof from any doctor.

My granddaughter has expressed the desire many times to stay at my home or with her mother, my daughter but her father won't allow that to happen.

We are hoping to change that this fall with a new hearing.

Ed Starnen

My name is Shirley David-Jimerson. I am full Upper Tanana Athabascan from Tetlin originally. My husband of 34 years is full Seneca from Steamburg, N.Y. We have 2 children both girls and a grand-daughter that we raised as our own.

Our middle daughter was married here in Anchorage and from that relationship came two wonderful grandsons. The marriage was very stressed with emotional and mental abuse from the very beginning. Our daughter eventually divorced and maintained custody of the two boys. She was in the Air Force and after her time in the Air Force she moved back here to Anchorage. While here I often took care of the grandsons and at no time did the former in-laws take interest in the caring of the two boys. You must understand this former son-in-law is very controlling type. He and I do not see eye to eye and remain so today.

My daughter and grandsons eventually moved back to Colorado where they reside today. She has remarried and has a wonderful family. The grandsons are 7 and 3 years old. They come to Alaska in the summers to stay with their dad and his new wife. We have no contact with them while they are here in the state because on their dad stating that the boys can not come over because he does not like me. We have not pushed the issue too much because, our daughter wants to initiate full custody from her state Colorado. She is a member of Tetlin Tribal. There are no paper trails of our fight or concern to push the rights of grandparents because we want our daughter to gain full custody of the boys and then we can see them as often as we want to. Their great-grandfather has been very attached to the boys and the boys do enjoy their great-grand papa. They both are missing out on their cultural heritage.

We went back to Steamburg, N.Y. for my mother-in-laws funeral last year and that's when we saw the boys for an extended time. That is an expense on our daughter's part but she saw that we got to see the grandsons and they met the Jimerson's for the first time and they we introduced to their Seneca relatives and culture.

I remember when my oldest grandson was here and we talked and I would talk my language to him. He would later pick up on some of the simple terms and repeat it back to me and say, "See, grandma I'm all Athabascan now. When I grow up I'm moving to 40-Mile." 40 Mile is the name of the place where we have our cabin and the boys do enjoy their visits there.

I believe in this cause to improve the law and to have the grandparents be more involved with their grandchildren. We have so much to offer our grandchildren and especially when it comes to cultural and heritage background. All of us have lots to offer and in today's world how chaotic this world has become I believe that the old fashion family involvement is very important. I come from an era when family was family and the whole village was involved in the cause of the child.

Please provide a short version of your story.

I have a six-year old grandson in Anchorage, Alaska. I have seen him a total of about 4 times in his six years.

The mother keeps him away from us because she and my son is not together. I want to be involved in his life. I have volunteered to provide financial support as well as educational support but the mother refused to cooperate with my wife and I and refused to allow Travonne to visit us. He loves me. And he's begging around me. And if he had a choice he would visit and stay over night with me. I am very concern about his speech impediment and his education.

I know beyond any doubt that regular visitation with us will do him a world of good. I just want to see him grow and develop. He is my oldest grandson.

And my heart aches because I miss him so. I am here in hopes to find support and knowledge on how I can achieve my goal of visitation rights with my grandson.

Bob Ruffly

Dixie Armstrong
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November 5, 200

Subject: State Custody Investigators. Bobbi Gibson and case 3AN-97-737

Custody/Visitation Investigation was ordered on March 11, 1997 My husband and I were sent a separate group of questions to answer. We did and mailed them back.

Custody Investigation dated April 30, 1998 was submitted to both parties and the court May 1, 1998. This is a confidential report. I didn't know anything about Bobbi Gibson's report until my son called me. We were going to court May 18 and there wasn't time to take any action. I didn't read the report until after the trial had started. I took the report and made a copy.

1. Why are State Custody Investigator reports biased with one party favored over the other? Without documented evidence, I don't understand how an alleged expert in their field can utilize only the questionnaire report from one side of the family to form an opinion. The case #3AN-97-737 did not include any thing from the daughter-in-law's family. Both parties to a marriage bring their childhood experiences with them.

(a) If one party to the divorce's childhood was important, how can a expert not include background on the other party?

(b) If Bobbi Gibson had questions about my marriage, she had plenty of time to ask me. I would have made an appointment and spent as much time with her as she needed.

During court Bobbi Gibson testified (page 34 transcribed from the court tapes)"Watching, observing, gathering information listening to comments, looking at the pleadings that have-the copious pleadings in this case. Mr. Armstrong is still, I believe very angry that Richelle Armstrong-Ms Armstrong didn't just stay and take it. His mother did. They had a ver--his parents had a very traditional marriage, raised two boys. Both Mr. Armstrong and his brother's marriages have failed early into the marriage" In the custody why does an expert accept Richelle's account of my marriage. Doesn't she know that the divorce was an emotional stress on her? In the report I didn't see any reference of Bobbi Gibson checking on anything that Richelle told her. For an expert I would have expected her to have talked with me on the subject of my marriage. Why wasn't any of Richelle's family included in the report?

2.. Who evaluates the State Custody Investigators?

3. Do they have immunity? If they do why?

4. What recourse does someone included in a custody investigators report have when they object to the report as it pertains to them?

I contacted three different lawyers. I was told (1) that it isn't unusual for a custody report to be one sided. (2) that basis is hard to prove (3) that we should have been a party to the divorce. On the advice of retired Judge Hornaday we had asked to be included in the divorce proceedings. Our son had no objection, but his lawyer refused. We were faced with getting another lawyer. Since we were helping our son with the expenses, we couldn't afford a separate lawyer.

Please provide a short version of your story.

When my Grandson Michael Parker
he came home with me @ 3 days old. I
had a Real Estate office on Tudor Road
and the 12 agents and I kept him at the
office in a bassinet. Most of the time
he was in my care. Two years later
I had another grandson. He then took over
the bassinet. Christina was next @ 6 mos.
Parents were always close but I was
the caretaker of all three. Parents were
a lot of time taking drugs and I was
the grand-ma that they lived with me.
Even when the children were enrolled
in school I was there. They saw parents
often but always lived with me as custodian
When Bob Wilson entered our life he
claimed I had spanked one grandson
and the children were taken away. Now
the court has allowed aunt + uncle to adopt

Testimony of Mary H. Rapp regarding the agency DFYS

January 15, 2001

My name is Mary H. Rapp, and I reside with my husband in Anchorage Alaska. We own our home here, and I first came to Alaska in 1968 as a newlywed. I have four grown children, and three of them also have their own homes here in Anchorage. My trouble with the agency DFYS began around Noon on December 22, 1999 when DFYS agent Melinda Burkholder and APD investigator Parker came to my home demanding that I let them have my granddaughter, Samantha Rapp. Samantha was 7 years old and had been entrusted in my care by her father, Bernard Rapp who is our oldest son. Officer Parker claimed that my son had been accused of a felony which would put him behind bars for many years, and that I had only five minutes to get my granddaughter ready to go. We had been having a pre-Christmas party with other children friends so I asked if Sam could at least finish unwrapping her present and maybe also finish her lunch. They gave an emphatic no, and my granddaughter was taken away crying and completely terrified. They would not tell me where they were taking her or when she was going to be returned. In my mind I could not find any sensible reason for these agents' arrogant, care-less type attitude. Certainly my granddaughter's welfare was not in any kind of jeopardy at that time, but their behavior did put her emotional stability through unnecessary trauma. When I brought up my concerns, Officer Parker's arrogant answer was, "She'll get over it".

I called my son at work to let him know what had occurred, and he knew nothing either so he called his ex-wife (Sam's mother) who at this time was visiting out of State. She said that she knew nothing about where Sam was nor knew anything about DFYS having taken Sam away from my home. She instructed my son to try and find out where their daughter was. My son finally learned that Sam had been taken over to her maternal grandmother's place by DFYS. He also found out that my granddaughter had been physically examined as well as verbally interrogated by these agents. Finally, he also found out that a 9 year old and a 12 year old neighborhood girls had accused him of improperly fondling them as well as exposing himself to them. Our son was completely mystified by the accusations, but he did know that these girls had been angry at him for not allowing them to play with Samantha. They had been taunting him and calling him names some days prior. These two girls have since written a letter of apology as well as taped their concerns over telling such lies to their parents and the police. The whole thing has caused much trauma to our whole family, and primarily our grandchildren who were instantly taken away from their parent as soon as the authorities received the accusations. Our son has another son three years of age, who was with his mother at the time:

DFYS never called me back to let me know where they had taken my granddaughter nor let me know why she had not been brought back. We were all in an emotional fit wondering where Sam was and how she was handling everything. Sam had a close, loving relationship with her Dad and had no idea why she would be taken away from him or from her grandparents with whom she had a loving relationship as well. We cared for her in our home routinely as many grandparents do. The following day (12-23-99), I called the DFYS agent(Melinda Burkholder) who took Samantha, and made inquiries regarding what had taken place, but she said that she could not tell me anything except that we could not have any type of contact with our granddaughter due to APD's investigation. She never told me what type of investigation DFYS was doing either. She said I was not a party to the case. I asked for an explanation to this non-sensible statement, but Burkholder would not answer. I was told that the investigation would take from six months to a year. We were appalled to think that we could not have any contact with our

granddaughter all during this period if they decided to drag this thing out. We were told that having contact with our granddaughter could cause Sam's mind to be "contaminated" in case she might be used as a witness later. After Christmas holidays I called DFYS agent Burkholder to see about the possibility of visiting our granddaughter at their office, under their supervision. She said that she would look into it, but never called back even though I always left her a number where she could contact me. When she finally called me back she just informed me that she was not Sam's caseworker anymore; but that her case had been sent "upstairs, second floor". I was given the name of a new caseworker whom I did call and found out that she was out of State and non-available. I got hold of a supervisor, Mr. Sheritan, who listened and seemed concerned about Samantha's situation. He gave me another supervisor's name and she gave me the number of the second floor unit coordinator who would help us get a visitation with our granddaughter. The unit coordinator tried to help, but she was not our caseworker and she hit some glitches so we got nowhere. Finally I contacted the governor's office with my concerns and a DFYS agent called me right away and fixed it all up so that I could have a supervised visit. This whole process took almost three months! We finally saw our granddaughter at the end of February.

My conclusion is that this agency is not serving the public in its best interest. They have too much power thus their actions or inactions can have some real damaging consequences to the children under their control. Most of this power comes as a result of their ability to claim that they cannot give out any information. It is my opinion that this is a well used cloak under which they hide much of their incompetence or unwillingness to cooperate with the public. More investigation should be given this agency before anymore public monies are doled out. Certainly more public input is needed. There has been talk of putting in "substitute caseworkers" to ease the caseload, but it is my opinion that at this time that would only cause more confusion and resolve little. People will just get juggled around from caseworker to caseworker where nobody will have a handle on any one case. Better methods of selecting personnel to do this type of work would be a good beginning. Some of these workers are plain abusive to the public, and do not seem to respect even their own supervisors. (Maybe the supervisors are just as abusive?) Hiring people who have been parents or have children would also be helpful as they would be quicker to understand the trauma both children and families face when they're separated. When investigating foster homes, they may be better able to analyze and evaluate them constructively as well as recognize real abuse if any may be going on with a child's life. This agency has a present policy of taking children into closed rooms for interrogation with no one present except DFYS personnel. This I believe should be changed ASAP. There should be a parent, relative, or friend of the child present to insure ease within the child as well as fairness. Children can easily be intimidated into making false statements. Cameras should be installed in their interrogation rooms. Cameras would add validity and protection to both the agency as well as the public.

Mary H. Rapp
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My name is Chelsea Schoen Rapp, married, and a resident of Anchorage Alaska. At the time my problems with DFYS began I was a single woman with three children....a nine year old girl and a five year old girl as well as two boys...one seven years old and one three years old.

On December 22, 1999, I was informed by my boyfriend, Bernard Rapp, that a couple of 12 year old girls in his neighborhood had made some allegations of sexual abuse against him. He told me that his daughter, Samantha, had been taken by the agency DFYS for interrogation. He was very worried about her welfare.

My life became involved with the workings of the DFYS agency because Bernard and I have a son, Isaac, between us who at that time was almost three years old. Even though there were no allegations of Isaac's involvement, APD detective Vandervolk called the following day (12-23-99) and convinced me to allow them and DFYS to interview Isaac and my other children. I reluctantly agreed if I were allowed to be present during their interrogation. He said I could not be in the room, but that I could watch on the other side of their mirrored room.

After detective Vandervolk called, I received a call from Brenda Newburn of the DFYS agency. She just demanded that I take all my children over to DFYS that same day. When I asked "why?" she just answered that she could not talk about it. She interviewed all my children behind closed doors. When she interviewed me, she demanded that I immediately get a restraining order against Bernard even though she admitted that none my children had had any bad things to say about Bernard Rapp's behavior towards them. When I told her that I did not plan to take such an insane action, she became visibly furious and proceeded to yell and scream at me with threats of forcibly removing the children from my care and putting them in a foster home. She finally yelled and scared me into signing a contract she drew up there in her office which stated that I would not allow any of my children any contact with Bernard Rapp until the case was closed by DFYS....not the Courts, but DFYS. What Power!!!

On December 28,(five days later) detective Vandervolk and detective Parker of the APD took my children as agreed for their interview, but they lied. I was not allowed to be there for all my childrens' interrogations as promised, nor were they interviewed by a team of doctors and child specialists at Alaska Cares. Instead, they were taken to a small, dingy room at the Anchorage police station. There, Detective Parker told me that "parents are never allowed to watch". I told him my concerns over my childrens' emotional upheaval due to their complete lack of understanding as to the type of questions they were being given and how they were being questioned. They were questioned and treated the same way that suspects of crimes might be treated. My concerns were shrugged off. Their interrogators were the two detectives, Ms. Newburn from DFYS, and detective Michelle Bales. When I objected to the type of harrassment and intimidation that my children were receiving, Newburn from DFYS ran out the interrogation room and told me to be quiet or she would take the children from me. Detective Bales came out and yelled that Bernard Rapp was a child molester and that she just knew it, and that I was neglecting my children by refusing to believe what the neighborhood girls had accused him of doing to them. My children were all crying and refused to be satisfied. I finally was allowed to see the tapes of my childrens' interrogations and was appalled at how my poor children were treated. (as late as three months after this interrogation my girls still had anxiety and bad

dreams about the incident).

Isaac loves his daddy very much, and I made the mistake (according to the DFYS contract) of letting him see his Dad for valentines day(2-14-2000) for a big family dinner. Isaac got to see his Dad for a whole two hours! This is a child who had a very loving relationship with his Dad and who saw his Dad almost everyday. Due to the allegations made upon Bernard, DFYS would not allow Isaac to see his Dad even under a supervised visitation. What harm could a supervised visitation have done to Isaac? Is this an agency that cares for childrens' welfare or for their own vindictive agenda? DFYS learned about Isaac having seen his Dad and they came and took my children crying and screaming from me and left them at a foster place. I was not allowed to reassure my children before leaving by telling them where they were going or what was going on much less if they would ever see me again. Newburn threatened to severely limit any future contact with my children if (when I got to visit them later) I tried to talk to them about what was happening to them. This is the very first time my children had ever been away from me except for normal absences due to work or being with grandparents. The crisis nursery where they were taken also warned me that if I tried to explain to my children why they had been taken that I would not be allowed contact with them at all.

DFYS told me that I could get my children back if I could get a 3rd party custodian to be there watching me at all times. Of course, it had to be somebody they "approved" of, but they never approved of anybody. They always found some petty excuse to send away the few friends who were able to comply with their extreme demands. Finally the only person they approved was my mother who had to leave her full time work as corrections officer at Spring Creek Correctional Center in order to stay with me and my children full time. My mother lost her job because DFYS would not allow her to take the children with her back to Seward where she lived and worked. It was a hard situation for everyone, but believed the children could handle that stress better as they would be with grandma. DFYS insisted that my mother must stay with us in Anchorage, and that losing her job was "her problem". The only explanation from Brenda Newburn for her unwillingness to work with us was, "It is my decision". We pointed out to DFYS that if their true concern was getting the children away from Mr. Rapp, then Seward was an advantage. When my mother lost her job, she told DFYS that she wanted to take the children out of State and Newburn agreed. DFYS made her official guardian. The children have been there ever since August of 2000. Isaac has never more seen his Dad. I have been staying with them and my mother in Oregon and make occasional trips to visit Bernard who is now my husband. We married in May of 2000. Isaac is having emotional problems, and my other children have extreme separation anxiety, and nightmares about DFYS taking them. I have had to take them to a psychiatrist who has likened it to traumatic stress syndrome. My children have told me that nobody ever explained to them what was going on or why they were being taken from their mother. They thought they were being taken away forever. No one did anything to dispel this idea. While at Intermission, the state run childrens' shelter, my children witnessed other children (one under age of 2) being yelled at and (in my 9 year olds' words) "spanked very very hard".

Finally, after the children were released into my mother's care, we, (mother and I) had a meeting with Ms. Newburn, Willimena Simpson, Ada Gleason, and my new case worker Keith

Moriwaki. I was told that at no time would I get my children back as long as Bernard Rapp was out of jail....that he would not be allowed to see his son again even if he was found not guilty at trial. Ada Gleason stated to me that "she knew Bernie was guilty whether he was found guilty or not" Every time I countered with the fact that my children had made no allegations against Bernie, Ms. Simpson would start yelling (not talking) at me that "that didn't mean that he didn't do it since children lied about these things all the time." When I asked them how come it is that they believed the children who brought allegations against Bernie? How come they aren't capable of lying? She yelled that those children "most definitely did not lie!"

On Monday February 2, 2001, the State of Alaska formally dropped all their sexual assault charges against Bernard. The accusing children (victims?) had lied after all, and they both wrote letters of apology to Bernie for all their wrong doings against him. The Public Defender Agency was the only one who tried to do some real investigating instead of just going along with what some child said happened. My mother and I have petitioned the Court to allow me to get custody of my children back, and allow my mother to go on with her own life. It has been a true nightmare for our children, and who knows what repercussions all this will have in the normal growth and development of my children? I will not be surprised if DFYS tries to keep me from my children. After all, "Bernard is guilty no matter what anyone says" according to Ada Gleason's personal feelings. Obviously she believes that her personal beliefs are worth more than what any jury or Court finds. It is our hope that justice prevails over DFYS' "personal" feelings.

It has taken a lot of time to write this testimony regarding my terrible ordeal with DFYS, but it will be worth my time if something is done to curtail this agency's arrogant abuse of its power. It's harming our most vulnerable of residents. They do not behave like professionals who know and honor their work, but like mini tyrants who need to feel that they are lords over others who find themselves in unfortunate circumstances. They talk about how important it is to protect children, but that is not their priority. This agency is in need of much closer scrutiny than it's been getting from us the people or our elected leaders. There is a big need for better checks on what's going on as they deal with their cases. There is the need for effective public grievance methods. The Courts usually just go along with whatever DFYS says. It seems like APD, the guardians ad litem, and DFYS all work together in blind harmony to make their job easier. This type of alliance is not healthy for rendering a fair and equal service to the public. This is probably why my case was not better investigated. This is why APD failed to listen to my concerns, but just used the same disrespectful manner they saw Newburn use on me. If Newburn "feels" I'm guilty then that's what they will believe too!

Written by Chelsea Rapp on this day _____
I may be reached at 370 NW 5th RD.
Clatskanie, OR. 97016 Phone: 1-503-728-1100

If the Court allows me back my children then I may be reached at our home at:
4222 Piper # 15
Anch. Ak. 99507 Phone: 561-8212

Thank You

Please provide a short version of your story.

I had my grandson for 3 $\frac{3}{4}$ years & then
got his his 2 sister from foster care Phil
Kaufman - (our new S/Ls ~~It~~ was Nancy
Matton & we finally got her removed)
Has made false accusations & lied to us.
The children were taken ~~away~~ away Sept 17th
1999 & we have not seen or spoken to

any of them - Not even their mother has
been allowed any contact. The 6 year old
was placed in a mental Hospital (Charter N.)

My ^{answer} grievance ~~was~~ received 3 months
after the complaint & James Steele took
things out of context & used the wrong
information provided by the social workers.
Totally ~~biased~~ biased & unfair. Still refusing to
investigate & molestation in the foster home.

1-15-01

I had custody of my 3 grandchildren. They were in school, scouts & active in church. The social worker would not help us with immediate concerns such as after school child-care. He would not work with us. I filed a grievance against him & "he was out to get us" meaning to take the children & have them adopted away from our family.

My daughter has gone through out patient & in patient rehab. Yet they distant the children from her. We have not seen the 2 oldest children for 11 months. They're in Craig, AK.

The youngest girl has been institutionalized since one week after the abduction by DFYS from their school, 9-17-99. She & we have only seen the 2 oldest children for 2 1/2 hours 11 months ago.

The social worker lied in court & held out valid documentation in court. He was a policeman back east & knew how to write accusations & make them valid. He is dishonest & gets away with it.

If DFYS would focus on mending families & not be compensated for adoptions, our children would have a chance to be with their biological family.

Marcie Whitcomb

Please provide a short version of your story.

(Arlene Romer) 20

daughter-in-law left with children) and moved into her mother's home. The same mother who my daughter-in-law ^{said} allowed her to be molested by her grandfather when she was little & for years told us how she was abused by her parents. ~~Just~~ after two weeks she & her mother went to DYS to build a case. There was some poor parenting done by both parents & mistakes. But my ~~other~~ daughter-in-law & her mother built up stories and had the 9 year old testify but say things the way they wanted him to. Now the child is so mixed up & confused.

The mother & other grand-mother has told the children they no longer belong to the Romer family. They are not allowed to love me. My grand-daughter had fear in her eyes when I gave her a small gift. DYS was suppose to set up visitation for their father & them because DYS & GAL both said they need to see their father. weeks went by & nothing was done. After several calls to the case worker to explain things about their mother & things she said about her mother nothing was done. I called case workers supervisor & he finally set up an hour ^{on M & F + Wed at DYS.} a parenting class. He said he is working on better visitation but this week the 9 year supposedly threatened his life after getting into an argument w/ his mother. we are not allowed to talk to him or find out what really happened. He also ran away from them twice. The mother & grand-mother is controlling what the child is allowed to say. A meeting is suppose to be set up tomorrow with the case worker, GAL, & his supervisor & the doctor from Charter north were. the mother & grand-mother put him after the incident. why are they not allowed to talk to me!! They need my love

DFYS: did not total investigate the allegations. Assumed a one sided story.

when the child ran away they did not investigate the reason they assumed that the child was just a "bad behavior" kid. ignored that they ^{(DFYS) + the court} were leaving the children in care + influence of a family involved with drugs and prior instances of child abuse.

they tell the grand parents ^(us) they are not a party involved. When the love we can give them would solve a lot of the problems.

the mother is influenced by the power she can get from DFYS + the court to get her way by damaging the self esteem + respect of the children. And "making" them say what the court wants to hear.

SUGGESTED CONCEPTUAL AMENDMENTS TO HB 164 SO COURT RULE 17 CAN BE INCLUDED IN SECTION 5.

--- Please reference letter from Terri Lauterbach, March 29, 2001

I. Include court rule 17 on page 3, line 25

II. Include CINA Rule 17 (b) in the bill and amend it directly as follows:

(b) **Statements.** The parties may offer evidence in aid of disposition at the hearing. The court shall also afford the parties, a grandparent of the child who is in attendance at the hearing, and any foster parents or other out-of-home care providers an opportunity to be heard.

III. Add a new section to make grandparents aware of the predisposition report that will be used at the disposition hearing. The amendment would be something close to this:

AS 47.10.081(c): The court shall inform the child, the child's parents, the attorneys representing the parties, the grandparents who are entitled to notice of disposition hearing, and the g.a.l. that the predisposition report will be available to them not less than 10 days before the disposition hearing.

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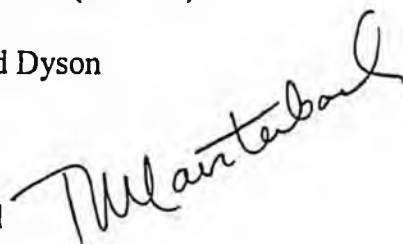
MEMORANDUM

March 29, 2001

SUBJECT: Hearings in CINA cases (HB 164)

TO: Representative Fred Dyson
Attn: Wes Keller

FROM: Terri Lauterbach
Legislative Counsel



You have asked whether the bill title of HB 164 correctly refers to CINA Rule 19. You wonder if maybe the reference should, instead, be to CINA Rule 17.

I think that the reference to CINA Rule 19 is accurate, but a reference to CINA Rule 17 might also be appropriate, depending on whether you want to amend the bill to refer specifically to disposition hearings.

DISCUSSION

CINA Rule 19 governs annual review of a child's case. Section 4 of HB 164 relates to these annual reviews, and the statutory change made in sec. 4 affects who is entitled to be heard at the review hearing, if one is held. (These annual reviews, according CINA Rule 19, happen without a hearing unless a party requests one.) Therefore, I believe the bill title properly refers to CINA Rule 19.

As for CINA Rule 17, it governs disposition hearings. Adjudicatory hearings are where a child is determined to be a child in need of aid (or not). A disposition hearing is where the court, having decided that a child is CINA, determines the disposition of the child (state custody, state supervision, etc.) Disposition hearings are not covered specifically in the statutes, so, arguably, no part of HB 164 currently changes CINA Rule 17. Therefore, there is no reference to CINA Rule 17 in the bill title.

If you wish, the bill could be amended to clarify grandparents' rights to be heard at disposition hearings. There are two ways to accomplish that result.

Alternative 1. Sections 1 and 2 of the bill already give grandparents a right to notice of any hearing. If you also want to give grandparents the right to be heard at a disposition hearing, then AS 47.10.070(a), in sec. 3 of the bill, could be amended to refer to both adjudicatory and disposition hearings. Then, all of the provisions in that section would

Representative Fred Dyson

March 29, 2001

Page 2

cover both types of hearings, including the provisions that allow a court to limit the presence of grandparents and other persons to the time when they are giving testimony.

Alternative 2. Alternatively, if you don't want to amend AS 47.10.070(a) to refer to both kinds of hearings, you could put CINA Rule 17(b) in the bill and amend it directly, as follows:

(b) **Statements.** The parties may offer evidence in aid of disposition at the hearing. The court shall also afford the parties, a grandparent of the child who is in attendance at the hearing, and any foster parents or other out-of-home care providers an opportunity to be heard.

The policy difference between Alternative 1 and Alternative 2 revolves around whether you want the limitations of AS 47.10.070(a) (sec. 3 of HB 164) to apply to disposition hearings. If you do, then Alternative 1 would be appropriate. If you don't, then direct amendment of the court rule (Alternative 2) would be the way to go.

If you decide to use either Alternative 1 or Alternative 2, you may also wish to consider ensuring that grandparents are aware of the availability of the predisposition report prepared under AS 47.10.081. An amendment relating to this would be something like the following:

AS 47.10.081(c): The court shall inform the child, the child's parents, [AND] the attorneys representing the parties, the grandparents who are entitled to notice of the disposition hearing, and the guardian ad litem that the predisposition report will be available to them not less than 10 days before the disposition hearing.

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TML:lmb:glc
01-118.lmb

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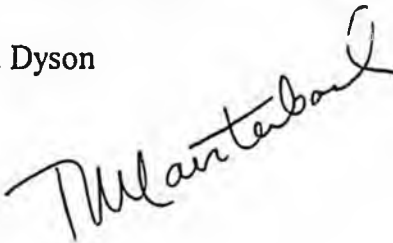
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March 29, 2001
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Attn: Wes Keller

FROM: Terri Lauterbach
Legislative Counsel

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TML:lmb:glc
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SITE: ANCHORAGE LIO

COMMITTEE:

House H.E.S.S.

DATE: 3-29-2001

SUBJECT OF MEETING:

HB 160-

HB 164-

HB 142-

UPDATE #:



PLEASE SIGN IN

PLEASE PRINT:

NAME

ADDRESS (MAILING & ZIP)

REPRESENTING

DO YOU WANT

TO TESTIFY?

Y or N

NAME	ADDRESS (MAILING & ZIP)	REPRESENTING	DO YOU WANT TO TESTIFY? Y or N
Betty Short		Grandparents Rights	Y - HB 164
Linda Shore		Grandparents Rights	Y - HB 164
Anna Frank		Planned Parenthood	Y - HB 160
Dr. Sharon Smith			Y - HB 160
Jennifer Rudinger		AK CLU	Y - HB 160



Alaska State Legislature

Please enter into the record my testimony to the House Health Educ/Soc/Ser committee name
 committee on HB 164, dated 3-29-01
 bill/subject

HB or SB HB	Bill number 164	and check one:	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> Amend	OR enter a general Subject (LIO staff may modify):
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Message: Your PRINTED message cannot exceed 50 words or contain any vulgar language.

Grandparents	are	assuming	more	responsibility	5
and	custody	of	grandchildren.	Please	10
allow	their	role	in	childrens'	15
lives	to	not	be	pushed	20
aside	when	DFYS	enters	the	25
picture.	HB 164	needs	to	be	30
passed.	to	protect	a	child's	35
right	to	include	grandparents	in	40
the	event	their	lives	fall	45
into	the	system.	Thank	you.	50

Signed: Mari Schmelt
 Testifier

Representing (Optional)
2040 Wasilla Fishhook Road, Wasilla AK 99654
 Address

376-0188 / 357-3618
 Phone No.

Sharon Lee Shields
HC 02 Box 7347
Palmer, Alaska 99645
(907) 745-3606
E-mail: Biggerow_ak@hotmail.com

April 3, 2001

STATE OF ALASKA
Legislative Affairs Agency

Reference: HB 164 "An Act prescribing the rights of grandparents related to child-in-need-of-aid hearings and amending Rules 3, 7, 10, 15, and 19 Alaska Child in Need of Aid Rules."

My name is Sharon Lee Shields, and my granddaughter is "a-child-in-need." The mother to my granddaughter is my younger child. My daughter was put on a pedestal all her life, loved and supported as a child, young adult, and now grown adult. I supported so much that I'm satisfied that there was nothing more that I could've given her or done to make her life happy, and provided her with a direction for great opportunity in her life.

Then in 1993 my daughter became pregnant and had my first granddaughter in January 1994. My daughter was and still is a single mother, and the father of my granddaughter was [is] military. The father was transferred out of Alaska when my granddaughter was just over a year old, and has recently been transferred back to Alaska last August 2000 after being absent for almost six years.

In the beginning of my granddaughter's life, my daughter and the military-father moved in together and for a short time stumbled through making an effort at being parents, they depended on that I supported them along with my granddaughter physically, financially, and emotionally.

Up to that point, my daughter had only babysat one time in her entire life before having my granddaughter. In her teenage years and as a young adult she didn't have time for children and was impatient around them. So, I knew what her child would be up against: a mother with a days training and self-absorbed. Currently, my granddaughter has lived through six live-in boyfriend relationships of my daughters.

I had no plans of raising another child, but as time went on I knew she was a "child-in-need." So I just assumed the position of the absent parents, and became a psychological, emotional, physical and financial parent to my granddaughter, and had my granddaughter 80% of her life up to November 5, 2000. That time is well documented, as I am a writer. The documentation started out as a diary of fun days and events with my granddaughter, and then last May 2000 the diary turned into documentation of horrible physical and mental abuses reported to me by my granddaughter.

My granddaughter reported: May 23, 2000 my daughter slapped her across the face so hard it knocked her off her feet. And because she cried too loud, my daughter ordered her to go to the bathroom until she could quit crying. My granddaughter reported: there, she lay on the bathroom rug until it quit hurting so badly, and she could quit crying. The next morning when my daughter dropped her off to me again, the big red mark (handprint) on her face was still visible; the next

reported incident was that my granddaughter was slugged in the back, on her kidneys by my daughter's sixth live-in boyfriend and the red mark across her kidneys was still on her back the next day after school when she came to my home; food has been withheld from my granddaughter and warm clothing not sent to school when the weather was cold.

During the past seven years, my heart has ached each time my granddaughter, as a small child, was dropped off to my home after she had spent time with her mother, because she acted out so dramatically: yelling and screaming at other children, it took a few days for her to calm down, again. The stress and sadness in my granddaughter's eyes told me of the results of her stay with mommy.

My daughter has a history of impatience, and violence when she doesn't get her way, and I had suspicions that she wasn't capable of proving my granddaughter with a loving, nurturing environment. But I always kept hope.

So there I was: I was a brand new grandmother already with "a-child-in-need." I don't know where the years have gone, but during that time, my granddaughter was provided a normal life because of my elder daughter and her family, and me. As the years passed, it just became natural that my granddaughter was part of my elder daughter's family and my life and included in our plans: plans for the day, the week, the month, and then the years. Time has slipped away, and out of love and caring, the end result of time was that we have given my granddaughter a normal happy life.

At the time my granddaughter started reporting the abuses, I tried addressing those issues with my daughter because I had knowledge of the way the DFYS system operated and I didn't want my granddaughter dumped into an already non-functioning system. And of course, my daughter threatened me with the system I feared, telling me that I better be careful because I have no rights. And from that time on, when I addressed the abuse issues with my daughter she threatened withholding my granddaughter from me, and she threatened my granddaughter to keep secret what went on within her home, or she wouldn't be able to see grandma again. My granddaughter became confused, because I had always been the person whom she could confide in and depend on, now I was getting her in trouble.

Then when my granddaughter was dropped off on Monday mornings for the week, she would scold me, in her own young-words telling me how disappointed she was by me getting her in trouble with her mommy, and that she couldn't talk to me anymore because I got her into trouble. Perhaps only an hour would lapse, and she'd tell me what was going on because it hurt her and she had to have someone to confide in.

So there I was, my granddaughter's guardian angel, handcuffed by the system. I had all the responsibility of my granddaughter for seven years, but no authority. And a daughter very well versed in the fact that I had no rights.

Last year, I took my granddaughter to school almost everyday and volunteered in the classroom at least three times a week. I even got a volunteer award. My elder daughter and I baked cookies for every child who graduated in all the kindergarten classes at Tanaina Elementary School. My granddaughter was one of the top students in her classroom, and she looked forward to and depended on me participating in her learning and her life.

On November 5, 2000, the reports of abuse from my granddaughter got so bad, and the father would do nothing after many pleas for his help from many outside people. He didn't want to get involved, he said. So, I was forced to address this issue with my daughter, knowing how risky it was and the consequences, but I couldn't ignore my granddaughter's pleas for help, seeing her desperation, and knowing helplessness.

On November 5, 2000, I tried to do an intervention with my daughter. After many repeated attempts to sit down and talk with her to no avail, I finally demanded that she meet with me. But the intervention blew up in my face. She brought the father, and a friend of hers from the Social Services Department on a Sunday, an elaborate scheme to squelch any of my efforts to resolve this with my daughter, or to protect my granddaughter. I was threatened by the Social Service worker, and the father; and told to keep my mouth shut. I recorded the intervention and had it transcribed by a court reporter because it proved negligence by both parents, and the Social Services worker.

The consequences of my efforts were that my granddaughter was taken out of my life. Immediately, the parents went to the school and revoked all my volunteer privileges, and access to any of the classrooms, and have not been allowed access to volunteering since that date. I have not allowed me to see or talk to my granddaughter since December 3, 2000, when I was allowed to see her for 6 hours. My granddaughter was frantic then, I can't imagine how she is doing now.

Back when my granddaughter started talking, and my daughter would come to take her for the weekend or a day, my granddaughter always asked me and made sure by asking me when she was coming back to my house. Now, I can't talk to her on the phone; she can't come to my home; she can't spend the night with me; I can't volunteer in her classroom; I'm allowed no contact with her at all because I tried to protect her. That's not even the beginning; my granddaughter cannot see anyone whom she depended on and loves, her aunt, uncle, or new cousin. We, her family, have not been allowed by the parents to have a Thanksgiving, Christmas, celebrated her birthday, or Valentines Day with my granddaughter.

This is not a normal life for my granddaughter. My granddaughter's life has been turned upside down by the parents and they could care less for my granddaughter's welfare or feelings as long as they have control over the family.

My daughter works for the system and lives in the Valley. Palmer/Wasilla is a small community, and my daughter has many friends within the social services departments in the Valley and she has been given confidential information about my contacts with the DFYS in the Valley. That fact alone has been the most damaging factor in my efforts to see and protect my granddaughter.

As so many grandparents have discussed in our Grandparents Rights Organization. The most hopeless and helpless feeling we have in the world, after loving, caring and nurturing our grandchildren, is when we are forced by our abusive children to go to the system for help and the response is ALWAYS: if the child is not in immediate danger right at that very moment, they say the child is safe. Meaning that the child is not in an emergency room with internal damages or broken limbs, or in a morgue waiting to be identified at the time of reporting the abuse, because, "the child is not in immediate danger."

As I stand before you today, I still struggle with the system, and the parents to see my granddaughter whom I have not seen in 5 months, now. I can't even think about what she's gone and going through. But, according to law, I have no rights to know that.

HB 164 is the beginning effort that should be made in securing rights for Grandparents who have been active in raising their grandchildren, or would like to have the opportunity to know what is happening to their grandchildren. Since when did the family unit not include Grandparents? We are sick of being looked upon as the reason our children, the parents, are the way they are, because that is just not the truth. The majority of Grandparents in our group are educated, loving people, and caring people who have loved their children and now their grandchildren. What we see as the beginning problem was that we were there too much for our children, and supported them too much. We have given our children too much, and we haven't expected any thing in return for our efforts, time and love for them. We are horrified and bewildered that our children could do this to us and to their own children.

At the least, Grandparents should have the right to raise, or continue to raise their grandchildren, and should have knowledge that our grandchildren are "children-in-need-of-aid" and not have them put into foster homes. To me, that would only be common sense, but to the system it is not.

I understand that morals, scruples, and common sense can't be legislated, but it's time that we start using them as laws about "our grandchildren" are being legislated. Remember these grandchildren could be one of yours in another state or another town, and the truth about their welfare withheld from you. I don't know one of you here today who wouldn't want to know that your grandchild was being placed in a foster home by DFYS just so they could get its quota of "child numbers" for state and federal funds.

Go home tonight and look at your grandchildren, or call them on the phone, and when you hear their small voices know that they could be placed in a foster home by DFYS, without your knowledge, or notifying you that your grandchildren are even in the system. When DFYS placed little Steven Murray in a foster home, he didn't have a voice, and now he's dead.

Officials from agency level people, Timothy Spangler, all the way to Commissioner Karen Purdue know exactly what is going on with my granddaughter, and do nothing because she's only a "Priority 3 case." Well I'm here to tell everyone here today that my granddaughter is and always has been a "Priority 1 case" to me.

It's time to move DYFS, its rules, and its budge out of the way, gather our morals, scruples, and common sense and put grandparents back into the family picture. Would we have so many children in the system? Would we have so much violence in schools? Would we have the school shoots if our children and grandchildren had real families to go home to? Who knows?

Thank you for your time, and I pray for all our children and grandchildren that we begin to move to the family unit back, and HB 164 will be a step in that direction. And be in the best interest of our grandchildren.

Sincerely,


Sharon Lee Shields

PASS THIS AROUND

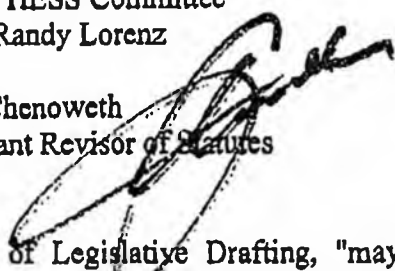
MEMORANDUM

March 29, 2001

SUBJECT: Use of "may not" versus "shall not" in bills

TO: Representative Fred Dyson, Chair
House HESS Committee
Attn: Randy Lorenz

FROM: Jack Chenoweth
Assistant Revisor of Statutes



Under the current Manual of Legislative Drafting, "may not" and not "shall not" expresses a prohibition on action. See Legislative Drafting Manual at page 57. The Drafting Manual is quite specific: "Do not use "must not" or "shall not."" Drafting Manual at 60.

